

FILED

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

United States of America)
v.)
Adrian Garcia)
)
)
)
)
Case No. **22 MJ 910**

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 31, 2022 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2119	Carjacking
18 U.S.C. § 924(c)(1)(A)(iii)	Discharging a firearm during and in relation to a crime of violence
18 U.S.C. § 922(g)(1)	Felon in possession of a firearm

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.



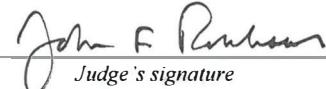
Complainant's signature

Michael Lane Cordova, FBI Special Agent

Printed name and title

Electronically Submitted and Telephonically Sworn

Date: May 31, 2022



Judge's signature

City and state: Albuquerque, New Mexico

United States Magistrate Judge John F. Robbenhaar

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Michael Lane Cordova, being duly sworn, depose and state:

1. I have been a law enforcement with the Federal Bureau of Investigation (“FBI”) since June of 2021. I am assigned to the Violent Crime Task Force (“VCTF”) at the Albuquerque Field Office of the FBI. I have received on the job training from other experienced agents, detectives, and Assistant United States Attorneys in the investigations of gang-related crimes, narcotics trafficking, and firearms trafficking. My investigative training and experience includes, but is not limited to, interviewing subjects, targets, and witnesses; writing affidavits for and executing search and arrest warrants; managing cooperating sources; collecting evidence; conducting surveillance; and analyzing public records. The information included herein is based on police reports and conversations with law enforcement officers regarding Adrian GARCIA (hereinafter “GARCIA”).

2. This affidavit is submitted in support of a criminal complaint charging GARCIA, born in 1998, with the following violations:

- a. 18 U.S.C. § 2119: Carjacking;
- b. 18 U.S.C. § 924(c)(1)(A)(iii): Discharging a firearm during and in relation to a crime of violence;
- c. 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm

CRIMINAL HISTORY

3. Based on my review of New Mexico Court records, law enforcement data bases, and discussions with other law enforcement officials, I understand that GARCIA is a felon with convictions for the following felony offenses:

- a) D-202-CR-201900033: Aggravated Battery (Deadly Weapon) and Aggravated Fleeing a Law Enforcement Officer.

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b) D-202-CR-201903374: Aggravated Battery (Deadly Weapon).

4. I have observed the plea and disposition agreement of these offenses, which contain GARCIA'S name, date of birth, social security number, and signature. Based upon the signatures on the plea documents, I believe that GARCIA was aware of his status as a convicted felon at the time of the relevant events below.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

5. On May 22, 2022, at approximately 2:15pm, GARCIA confronted an individual known to investigators and identified as D.S., and brandished a firearm while D.S. was seated in his vehicle in the parking lot outside of the apartment complex located at 7303 Montgomery Blvd NE, Albuquerque, New Mexico 87109. GARCIA verbally demanded D.S. give up his vehicle. D.S. refused and GARCIA then repeatedly struck D.S. with his firearm and forcibly removed D.S. from his vehicle.

6. An individual known to investigators and identified as N.S. witnessed the incident and verbally confronted GARCIA during the encounter ordering him to "STOP." GARCIA then discharged his firearm in the direction of N.S. and attempted to drive away in D.S.'s vehicle. GARCIA was initially able to drive the vehicle a short distance however it stalled out shortly thereafter. D.S. was able to maintain control of the key fob in his pocket throughout the encounter and a security feature on D.S.'s vehicle prevents the vehicle from moving if the key fob is too far separated. After the vehicle stopped, GARCIA fled on foot.

7. N.S. reported to responding officers that following the incident, she instructed her daughter to call 911 and N.S was able to provide police with a description of GARCIA. N.S. described GARCIA as a Hispanic male wearing white shoes, blue jeans, a black sweatshirt, and black backpack.

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8. At approximately 2:36pm, APD officers attempting to locate GARCIA received radio communication that a male matching GARCIA'S description was located in a TJ Maxx parking lot just west of the apartment complex where the incident took place. Officers detained the male subject, who they identified as GARCIA. Officers brought N.S. to GARCIA'S location, where N.S. positively identified GARCIA as the male who attempted to carjack D.S. and who shot at N.S. a short time earlier.

9. Officers located several items GARCIA discarded between the alleged carjacking and T.J. Maxx including: a black sweatshirt, black backpack, and a black firearm. Officers also recovered a 9mm shell casing near D.S.'s vehicle.

EVIDENCE GATHERED

10. Officers recovered evidence of the carjacking from the scene as well as items officers observed GARCIA discard in the TJ Maxx parking lot. Those items included the following:

- a. Ruger model Security-9 pistol chambered in 9mm bearing serial number: 384-35224, located in vicinity of 7480 Montgomery Blvd., Albuquerque, New Mexico 87109, as pictured below:

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Figure 1: Ruger pistol, model Security-9, located in vicinity of 7480 Montgomery Blvd., Albuquerque, New Mexico 87109.



Figure 2: Ruger Security-9 pistol bearing serial number 384-35224.

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b. Officer located D.S.'s vehicle, 2020 Honda Passport SUV, bearing VIN: 5FNYF8H59LB002738, in the vicinity of 7303 Montgomery Blvd NE, Albuquerque, New Mexico 87109, as pictured below:



Figure 3: Still image of 2020 Honda Passport SUV bearing VIN: 5FNYF8H59LB002738.

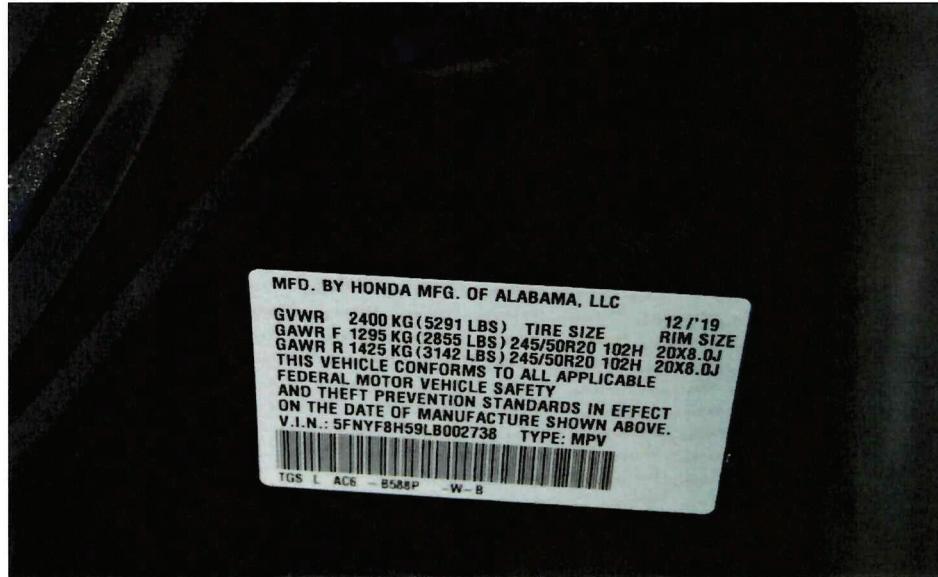


Figure 4: Still image of 2020 Honda Passport SUV bearing VIN: 5FNYF8H59LB002738.

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INTERSTATE NEXUS

11. During the investigation, I learned that D.S. was driving a 2020 Honda Passport SUV, bearing VIN 5FNYF8H59LB002738. Based on my training, experience and research, I am aware that Honda vehicles are manufactured in various locations throughout the United States and the world; this particular model of vehicle being manufactured in Lincoln, Alabama. Therefore, D.S.'s vehicle traveled in interstate commerce prior to arriving at 7303 Montgomery Blvd NE, Albuquerque, New Mexico 87109.

12. The firearm officers located and recovered in the vicinity of 7303 Montgomery Blvd NE, Albuquerque, New Mexico 87109, is described as a Ruger model Security-9 pistol chambered in 9mm bearing serial number: 384-35224. The firearm included the frame and receiver, and based on my training and experience, the Ruger model Security-9 9mm pistol was manufactured in Prescott, Arizona, i.e. not in the state of New Mexico; therefore establishing that the firearm travelled in and affected interstate commerce before GARCIA possessed or had access to it.

13. Special Agent Michael Lane Cordova of the FBI Albuquerque Field Office test fired the Ruger model Security-9 pistol and it functioned as designed and meets the federal definition of a firearm under 18 U.S.C. § 921.

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CONCLUSION

14. Based on the above information, there is probable cause to believe that GARCIA has committed violations of:

- a. 18 U.S.C. § 2119: Carjacking;
- b. 18 U.S.C. § 924(c)(1)(A)(iii): Discharging a firearm during and in relation to a crime of violence;
- c. 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm

15. This complaint was approved for submission to the Court by AUSA Letitia Simms.

Respectfully submitted,



Michael Lane Cordova
FBI Special Agent

Electronically Submitted and Telephonically Sworn on May 31, 2022:



THE HONORABLE JOHN F. ROBBENHAAR
UNITED STATES MAGISTRATE JUDGE